DOCUMENT RESUME

ED 283 433 HE 020 407

AUTHOR Douglas, Joel M., Ed.
TITLE Unionization among College Faculty, 1987.
INSTITUTION City Univ. of New York, N.Y. Bernard Baruch Coll. National Center for the Study of Collective Bargaining in Higher Education and the Professions.
PUB DATE Feb 87
NOTE 13p.
AVAILABLE FROM National Center for the Study of Collective Bargaining in Higher Education and the Professions, Baruch College, CUNY, 17 Lexington Avenue, New York, NY 10010 ($4.00).
PUB TYPE Collected Works - Serials (022) -- Reports - Descriptive (141)
JOURNAL CIT Newsletter of the National Center for the Study of Collective Bargaining and the Professions; v15 n1 Jan-Feb 1987

EDRS PRICE MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS *Collective Bargaining; *College Faculty; Comparative Analysis; *Contracts; Higher Education; Institutional Characteristics; Private Colleges; Public Colleges; Trend Analysis; Two Year Colleges; *Unions

ABSTRACT

Information on colleges engaged in academic collective bargaining with recognized bargaining units in 1987 is presented. Attention is directed to agents elected, no-agent elections, strikes, and first contracts signed. Information is provided for the American Federation of Teachers, the National Education Association, the American Association of University Professors, and independent faculty unions. As of February 1987, there were 458 reported faculty bargaining agents, an increase of 12 from 1986. Of the 458 recognized faculty agents, 381 were at public colleges. For the first time in seven years, no faculty union was reported decertified either as the result of court action, litigation, or a challenge to agent status. Only one of the 17 elections held during 1986 was at a private college. Of the 17 elections, 13 were considered "new," while the other four were challenges to an existing agent by a competing one. "No-agent" was the faculty choice in three elections. There were 12 reported faculty work stoppages during 1986, nine of which were considered "fall back-to-school" strikes. No faculty collective bargaining enabling legislation was passed during 1986. Finally, six first faculty bargaining contracts were signed in 1986. (SW)

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NEWSLETTER - National Center for the Study of Collective Bargaining in Higher Education and the Professions.

Published at Baruch College - City University of New York - Vol. 15, No. 1 - Jan/Feb 1987

UNIONIZATION AMONG COLLEGE FACULTY - 1987.

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NEWSLETTER
NATIONAL CENTER FOR THE STUDY OF COLLECTIVE BARGAINING IN HIGHER EDUCATION AND THE PROFESSIONS
Published at Baruch College • City University of New York • Vol. 15, No. 1 • Jan/Feb 1987

Unionization Among College Faculty-1987

INTRODUCTION

The number of unionized institutions, campuses and faculty in higher education continued to increase during 1986, albeit at a slower rate than previous years, and has now reached its highest level to date. Over 208,000 faculty are now covered by collective bargaining agreements, more than at any other time in the history of academic unionism. The steady growth of faculty unionism indicates a continued approval of collective bargaining as a means of governance. The acceptance of academic unionism as measured by the number of certified agents grew at a rate of 2.7% during 1986 and was not restricted to any one geographic area as faculty agents were elected in nine different states. There are now 458 reported faculty bargaining agents, an increase of 12 from 1986. Over one thousand campuses are involved in faculty collective bargaining with certified academic unions. For the first time in seven years, no faculty union was reported decertified either as the result of court action, litigation, or a challenge to agent status. The record indicates that once faculty unionize, they rarely elect decertification.

PUBLIC VS. PRIVATE DICHOTOMY

As in previous years, public sector institutions continued to dominate academic collective bargaining. Only one of the seventeen elections held during 1986, was conducted at a private institution, the College of Insurance. The largest number of elections was held in Illinois, one of the states with the most recent legislation. Public sector collective bargaining is directly related to the passage of enabling legislation, and since none was enacted during 1986, the effect in forthcoming years may be damaging for faculty unionists. Of the 458 recognized faculty agents, 381 (83.2%) are at public institutions. Of the 381 public institutions now unionized, 88 are four-year colleges, while the remaining 293 are two-year institutions. Unionized public sector campuses now total 921 and account for 61% of the 1501 campuses in that category. In the private sector, approximately 5% of the 1830 campuses are unionized.

It is evident that the ruling by the United States Supreme Court in NLRB v. Yeshiva University, 444 U.S. 672 (1980), which prohibited faculty members who were adjudicated as possessing the "indicia of managerial status" from bargaining under the protection of the National Labor Relations Act, has virtually eliminated private sector higher education union organizing. While there were no Yeshiva decertifications this year, faculty unions trying to organize at private institutions continue to experience great difficulty in overcoming its impact. For an analysis of the Yeshiva decision and its impact in 1986, see National Center Newsletter, Vol. 14, No. 4.

AGENTS ELECTED

Seventeen bargaining agent elections were held in 1986; 14 of which resulted in a decision by the professoriate to engage in or to continue to participate in the collective bargaining process. Of the 17, 13 were considered "new" elections, while the other four were challenges to an existing agent by a competing one. In eight of the thirteen "new" elections, faculty selected bargaining agents, while in two, the results are still pending, although at this writing, the pro-collective bargaining vote is greater than that of "No-Agent". In three elections, "No-Agent" was the faculty choice. An analysis of faculty union organizing and agent elections follows:

AFT

The American Federation of Teachers and their local affiliates were involved in 12 elections; winning six and losing five, with the results in one still pending. New AFT locals include units at Kishwaukee Community College, Lassen Community

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College, the University of Maine (Systemwide), and Washington Community College, District XII. The AFT also retained bargaining rights at Portland Community College in Oregon, and their affiliation with APSCUF at the Pennsylvania State College and University System.

At Kishwaukee Community College, the AFT won bargaining rights for a unit of 80 faculty by defeating an independent local, 38-4. At Lassen Community College, the AFT defeated the NEA for the right to represent a unit of 50 faculty by a vote of 31-7. One unit of part-time faculty, 288 members at the University of Maine (Systemwide), joined the ranks of the AFT when they defeated the NEA and "No-Agent" by a vote of 153-28-26.

In elections involving a "change in agent" status, the AFT won bargaining rights from the NEA for a unit of 288 faculty at Washington Community College, District XII in the State of Washington by a vote of 122-90 over the NEA. In another "change in agent" status election in the Pennsylvania State College and University System, the 3,700 member faculty unit voted to retain their affiliation with APSCUF/AFT over that of APSCUF/AFT/AAUP by a vote of 827-299. The former agent had been a three-member consortium consisting of APSCUF, AFT and AAUP and now is a dual affiliation between APSCUF and AFT. The representation rights for one AFT local, Portland Community College was unsuccessfully challenged by the NEA and "No-Agent". In that election the AFT retained bargaining rights by a vote of 207-92-15.

The AFT was involved in three "No-Agent" elections last year. At the University of California System, they were defeated by "No-Agent", of 1734-470 in a representation election for a unit of 3,600 academic researchers. In Illinois, the AFT was defeated by "No-Agent" for a faculty unit of 762 at Illinois State University at Normal by a vote of 383-223. The AAUP, also involved in the same election, received 64 votes. At Northern Illinois University, the UPI-AFT coalition, while victorious in the initial election over AAUP and "No-Agent", was defeated in a run-off by "No-Agent", 398-371.

The AFT was the most active among faculty unions in terms of new organizing in 1986. They were involved in 12 faculty elections; winning six, losing five, with the results of one still pending. Their affiliates, including joint affiliations with other agents, currently represent over 88,000 faculty at 140 colleges and universities for the purpose of collective bargaining.

NEA

The National Education Association and their affiliates were involved in eight organizing elections this year; winning three, losing four, with the results in one still pending. New NEA locals include the faculty units Oakton Community College in Illinois, Antelope Valley Community College in California, and the Division of Continuing Education of the Massachusetts Community College System. At Oakton, the NEA defeated the AFT by a vote of 78-60 to win bargaining rights for a unit of 149 faculty members. At Antelope Valley, an NEA/CTA consortium defeated the AFT/CFT local by a vote of 100-82 to represent a unit of 250 faculty members. In the largest of the new units to elect an agent this year, the NEA and its affiliate, the MCCC, defeated "No-Agent" by a vote of 631-516 for bargaining rights for a new unit of 1,800 faculty of the Division of Continuing Education, Systemwide, of the Massachusetts Community College System. At Hocking Technical College in Ohio, the NEA and its Ohio affiliate, the OEA, continued to lead in a challenged election to represent 109 faculty members at this institution. The OEA/NEA received 52 votes, "No-Agent" 46 votes, with 25 votes still challenged.

In terms of elections involving established bargaining relationships, the NEA was unsuccessful in its attempt to unseat the AFT for the bargaining rights for 350 faculty at Portland Community College. The NEA received 92 votes and "No-Agent" 15 votes, while AFT continued its certification with 207 votes. The NEA lost the bargaining rights for a unit of 288 faculty members at Washington Community College, District XII to the AFT by a vote of 122-AFT to 90 for NEA. The NEA was not involved in any "No-Agent" votes during 1986.

The NEA and its affiliates continue to represent the largest number of unionized institutions, 207. The number of faculty covered contracts negotiated by NEA affiliates, including joint affiliations, exceeds 77,000.

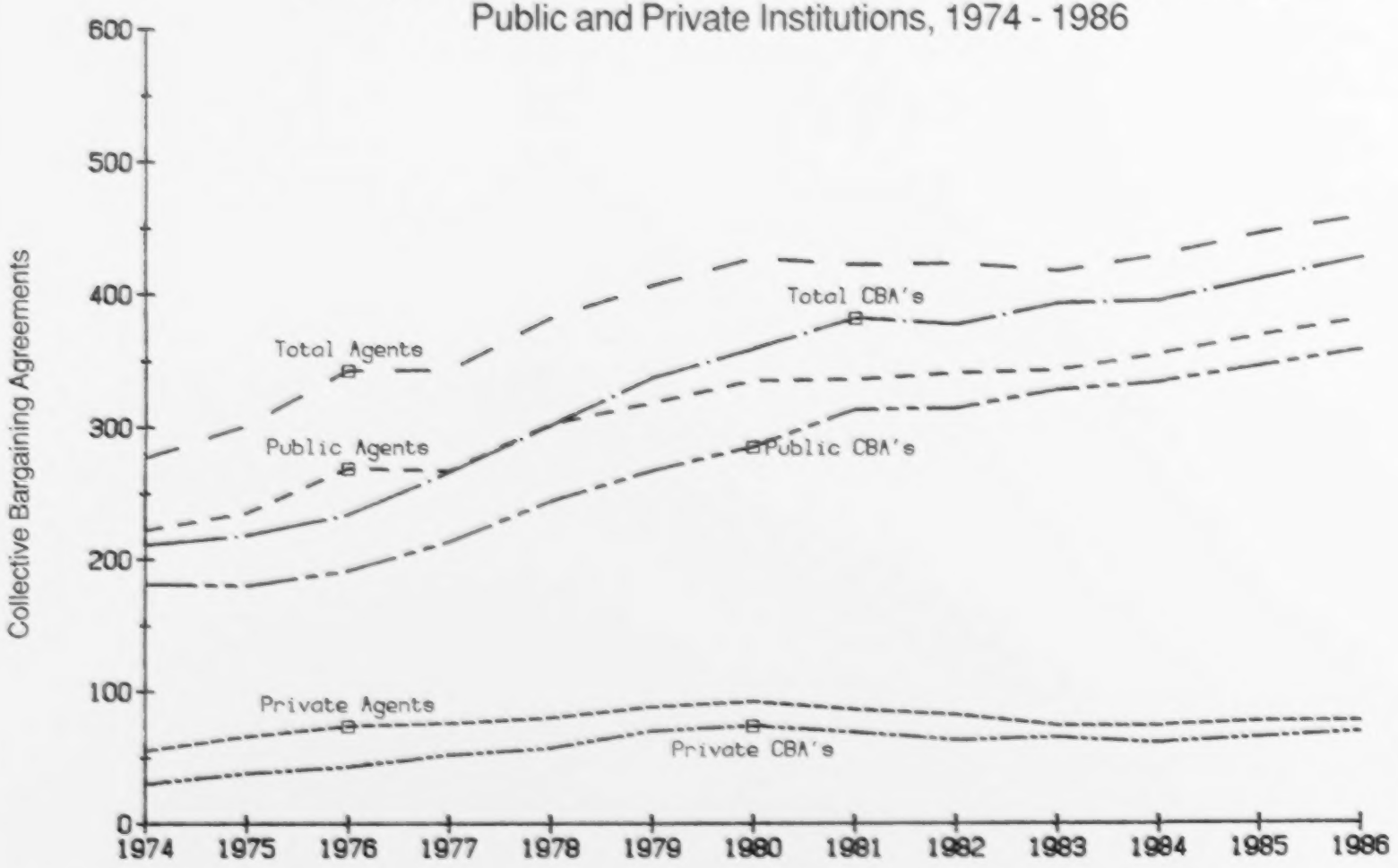
AAUP

The American Association of University Professors was involved in six elections this year; winning two and losing four. They are the only faculty agent to have organized a private college, winning bargaining rights for a unit of 20 faculty at the College of Insurance in New York State. In that election the AAUP received 16 votes, while "No-Agent" received one. The AAUP was also successful in retaining bargaining rights at Portland State University for a unit of 548 faculty. The AAUP received 260 votes against 211 for a "No-Agent" challenge.

The AAUP lost representation rights as a member of the APSCUF bargaining agent coalition at the Pennsylvania State College and University System. In a "change of agent status" election concerning affiliation and bargaining rights, APSCUF and either AFT or AAUP, a unit of 3,700 faculty members selected the APSCUF/AFT affiliation over the AAUP by a vote of 827-299.

The AAUP was involved in two elections within the Illinois State University System. At Illinois State University at Normal, the AAUP and AFT were defeated by "No-Agent" for representation rights for a unit of 762 faculty by a vote of 383-"No-Agent", 223-AFT and 64-AAUP. At Northern Illinois

Faculty Bargaining Agents and Collective Bargaining Agreements
Public and Private Institutions, 1974 - 1986



Source: NCSCBHEP

University, the AAUP and AFT, competed with "No-Agent" for a unit of 908 faculty. The first election resulted in none of the three receiving a majority of votes cast; UPI-AFT 318, "No-Agent" 273, AAUP 186. In a run-off election between the UPI-AFT and "No-Agent", "No-Agent" received 398, while UPI-AFT received 371.

The AAUP, its locals and joint affiliations represent over 59,000 faculty at 51 colleges and universities.

INDEPENDENT

Independent faculty unions were involved in two elections last year, winning one and losing the other. The faculty at Santa Barbara Community College, a unit of 740, elected an "Independent" over "No-Agent" by a vote of 250-37. The other election involving an "Independent" was at Kishwaukee College where they were defeated by the AFT by a vote of 38-4 for the bargaining rights of a unit of 80 faculty.

"NO-AGENT"

Three "No-Agent" elections were reported in 1986, each of which involved relatively large bargaining units. In the University of California System, a unit of 3,600 academic researchers rejected unionization and chose "No-Agent" over AFT by a vote of 1734-470. In two institutions in the Illinois State University System, "No-Agent" was the faculty choice instead of unionization. At Illinois State the faculty elected "No-Agent" over the AFT and AAUP by a vote of 383-223-64. In a run-off election at Northern Illinois University, a unit of 908 faculty also rejected collective bargaining. In the first election, the UPI-AFT received 318 votes, "No-Agent" 273 and AAUP 186, necessitating a second election. It is interesting to note that the combined faculty pro-collective bargaining vote in the initial election was 504 in favor of one or the other agents, while 233 selected "No-Agent". However, since none of the parties received a majority, a run-off was required. In that election, "No-Agent" defeated the UPI-AFT by 26 votes out of nearly 800 votes cast by a vote of 398-371.

STRIKES

There were 12 reported faculty work stoppages during 1986, nine of which were considered "fall back-to-school" strikes. Of the 12 strikes, half involved faculty at two-year institutions, while the other six were at four-year institutions. Three private colleges, Fairleigh Dickinson, Roger Williams and the Berklee College of Music were involved in stoppages.

The nine "fall back-to-school" strikes at the outset of the 1986-1987 fall semester was the highest reported total during the last seven years. Of these strikes, four occurred at two-year institutions, while five were at four-year colleges. The average length of these strikes was 9.1 days. Set forth below are the institutions, size of faculty unit, faculty agent, and length of strike data. "Fall back-to-school" strikes occurred at:

1) Bellevue Community College: 250 full/part-time faculty, NEA, 7-days;
2) Fairleigh Dickinson University: 495 full/part-time faculty, AAUP, 7 days;
3) Lake Land College: 104 faculty, AFT, 20 days;
4) Mercer Community College: 127 faculty, NEA, 3 days;
5) Mott Community College: 196 faculty, NEA, 7 days;
6) Roger Williams College: 108 full-time and 44 part-time faculty, NEA, 2 days;
7) Temple University: 1,052 faculty, AAUP, 15 days;
8) Thornton Community College: 138 faculty, AFT, 35 days;
9) Wayne State University: 1,378 faculty, AAUP, one day.

Strikes reported during the 1986 spring semester included two simultaneous 14-day stoppages at Berklee College of Music, one each by full-time and part-time faculty. Both units are represented by the AFT. The other spring strike occurred at Jefferson Technical College where the NEA local engaged in a 96-day strike over the terms and conditions of their initial contract. The unit at Jefferson consists of 46 faculty members. For a complete analysis of work stoppages during 1986, the reader is referred to NCSCBHEP Newsletter, Vol. 14, No. 5.

LEGISLATION

No faculty collective bargaining enabling legislation was passed during 1986. While several bills were discussed, most notably in Wisconsin, the State of Washington and Maryland, none were enacted. The number of states with enabling legislation for collective bargaining now stands at 26. Additionally, four states allow collective bargaining pursuant to the regulatory framework established by university governing boards. Faculty organizations continue to be active in lobbying efforts to secure collective bargaining legislation in those states without bills. For a complete listing of collective bargaining legislation, see Directory of Contracts and Bargaining Agents, Table No. Eleven .

DEMOGRAPHIC ANALYSIS

Accounting for an exact number of college faculty is a troublesome assignment since the total is relatively fluid. Furthermore, using any one date as a reference point subjects the researcher to certain statistical biases inherent in that selection. Nevertheless, we have developed our own procedure which are set forth below:

1) The number of institutions and campuses is obtained from the National Center for Education Statistics (NCES), the Higher Education Directory and the NCSCBHEP data bank. The last NCES reports are

SUMMARY OF ELECTIONS - 1986

A. AGENTS ELECTED

Institution	State	Unit Size	Vote	Agent Elected	2/4 Year College
Antelope Valley Community College	CA	250	CTA/NEA-100 CFT/AFT-82	NEA	2
College of Insurance	NY	20	AAUP-16 No Agent-1	AAUP	4
Hocking Technical College	OH	109	OEA/NEA-52 No Agent 46 25 ballots challenged	Still Pending	2
Kishwaukee Community College	IL	80	AFT-38 IND-4	AFT	2
Lassen Community College	CA	50	AFT-31 NEA-7	AFT	2
Massachusetts Community College System Division of Cont. Ed.	MA	1800	MCCC-631 No-Agent-516	MCCC	2
Oakton Community College	IL	149	NEA-78 AFT-60	NEA	2
Sangamon St. University	IL	140	UPI-AFT-69 AAUP-14 No-Agent 54 Challenged-7	Still Pending	4
Santa Barbara Community College	CA	740	IND-250 No-Agent-37	IND	2
University of Maine System Part-time Faculty	ME	288	AFT-153 NEA-28 No-Agent-26	AFT	

(SUMMARY OF ELECTIONS - 1986 - Continued)

B. CHANGE IN AGENT STATUS

Institution	State	Unit Size	Vote	New Agent	Former Agent	2/4 Year College
Pennsylvania State College and University System	PA	3,700	APSCUF/AFT-827 APSCUF/AFT/AAUP-299	APSCUF/AFT	APSCUF/AFT/AAUP	4
Washington Community College, District XII	WA	288	NEA-90 AFT-122	AFT	NEA	2

C. CHALLENGE TO AGENT STATUS

Institution	State	Unit Size	Vote	Challenging Agent	2/4 Year College
Portland Community College	OR	350	AFT-207 NEA-92 No-Agent-15	NEA	2
Portland State University	OR	548	AAUP-260 No-Agent-211	No-Agent	4

D. NO AGENT VOTES

Institution	State	Unit Size	Vote	Agent Defeated	2/4 Year College
Illinois State University	IL	762	AAUP-64 AFT-223 No-Agent-383	AAUP, AFT	4
Northern Illinois University	IL	908	UPI-318 AAUP-186 No-Agent-273 (Run-off-UPI-371 No-Agent-398)	AAUP UPI	4
University of California-Academic Researchers	CA	3,600	AFT-470 No-Agent-1,734	AFT	4

Source: NCSCBHEP

for the 1982-1983 academic year, the HED data is as of 1985, while NCSCBHEP Reports reflect the period through January 1, 1987.

2) The total number of faculty is derived from NCES statistics and is not divided into full- and part-time. Unit size is tabulated from reporting institutions, faculty organizations and our own data bank. Faculty are recorded as being represented by collective bargaining agents and agreements, and do not reflect union membership.

The number of faculty covered by collective bargaining increased from 195,570 to 208,147, a rise of 6.4%. Part of this growth is due to improved reporting procedures by the national faculty organizations and individual institutions and to better research methods being employed at NCSCBHEP, and does not necessarily reflect increased organizing.

The number of public sector faculty represented by faculty unions increased by 6.7% from 186,326 in 1986 to 198,647 in 1987, while a 2.7% rise, 9,244 to 9,500 was reported in private college faculties represented by unions during this time period. Adjunct faculty are included in the total count as efforts to isolate this category have not yet proved workable. As long as faculty units continue to contain both full- and part-time faculty, difficulties will be experienced in this calculation. Although the Directory includes data pertaining to faculty collective bargaining agreements in Canada, the demographic analysis reflects only colleges in the United States.

FIRST CONTRACT SIGNED

Collective bargaining involves a time lag between unit certification and the negotiation of the initial contract. Six "first faculty bargaining contracts" were signed in 1986, all of which involved units which achieved their initial certifications in previous years.

The University of California System signed two "first contracts", one with nurses and the other with lecturers. The California Nurses Association was originally certified as agent for this 5,000 member unit in 1983. The lecturers, a unit of 1877 represented by the AFT since 1984, also signed their first agreement. A faculty unit of 402 at Cabrillo College certified and represented as an AFT affiliate in 1984, signed their initial contract. Two Ohio community colleges, Jefferson Technical and Terra Technical, both represented by the NEA, signed initial contracts in 1986. The NEA obtained bargaining rights for these units in 1985. In Illinois, the AFT, representing the 97 faculty at Rend Lake College since 1985, also signed their initial agreement.

SUMMARY AND CONCLUSIONS

Nineteen hundred and eighty-six may be viewed as a year in which the proponents of faculty collective bargaining achieved mixed results. While the number of collective bargaining units and contracts, as well as the number of faculty represented is higher than it has ever been, two major setbacks for academic unionists were noted.

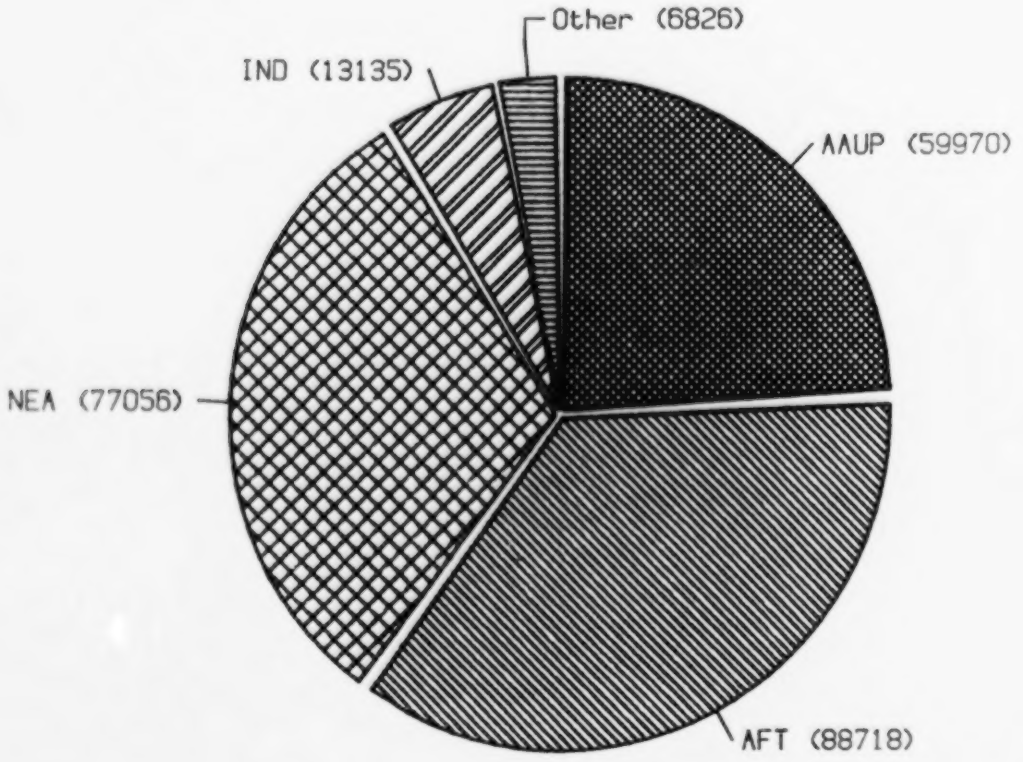
The "No-Agent" elections at Illinois State University and Northern Illinois University, as well as the contested election at Sangamon State, represent long and devisive struggles over the issue of faculty collective bargaining. The failure of the AFT-UPI and the AAUP to present a united front at Sangamon, where the results are still pending, and at Northern, where "No-Agent" won in a run-off election, probably accounted for the defeat of faculty unionization at these institutions. At Sangamon, 73 votes were needed to elect a faculty agent, the combined pro-collective bargaining vote yielded 83, however, that was split between 69 for the AFT and 14 for the AAUP. At Northern, the combined vote of AFT-UPI and AAUP generated a vote of 504 for collective bargaining against 273 for "No-Agent". This margin of almost 2-1 in favor of an agent, without any one party receiving a majority, resulted in a run-off election in which "No-Agent" narrowly defeated the AFT by 27 votes out of 768 cast. For reasons that are unique to the academic community, certain faculty who voted for a bargaining agent in the initial election chose "No-Agent" in the run-off as opposed to an agent from another organization. This phenomenon remains peculiar to academic collective bargaining where the failure of the three national organizations to present a united front continues to result in "No-Agent" wins.

While the number of agents and contracts have increased, the absence of any new enabling legislation is expected to produce a leveling off in public sector organizing. In those states where faculty unions lobbied for new legislation, efforts are expected to continue; however, absent any new bills, faculty organizing in those states will become more difficult. The new area of union growth appears to be in organizing the unorganized in those states where legislation has already been enacted. Further attempts to organize adjunct faculty, as was done this year in the University of Maine and the Massachusetts Community College Systems are also expected. Other potential areas of new unionization drives are in selected groups of academic researchers, support staff, and nontenure-track faculty members.

While challenges and raids by one agent against another for the rights to represent existing faculty units will probably continue, most of those involve local issues and do not appear to constitute a trend or a predictable pattern. No evidence is available to indicate any change in the cooperative postures of the three national organizations vis-a-vis each other. The failure of faculty unionization at Northern and Sangamon (thus far) are illustrative of this point.

The number of Yeshiva-related decertifications is expected to diminish since most of the cases in the litigation pipeline have already been adjudicated. There are no new lead cases currently before the

Faculty Represented by Certified Bargaining Agents, 1987



Dual agent affiliation membership status credited to both organizations.

Source: NCSCBHEP

U.S. Supreme Court concerning the application of the doctrine at this time. Observers have noted, however, that the Yeshiva question may now shift to challenges to public sector institutions where collective bargaining legislation is already in place.

The gap between the private sector and public sector is expected to continue to grow. With no statutory or judicial relief predicted for private sector faculty who wish to bargain in spite of the legal environment, faculty unions are devoting their energies, almost exclusively, to public sector organizing. As a result, the number of faculty at private sector colleges who are unionized will either diminish or stabilize. Faculty collective bargaining continues to remain a viable form of governing one's employment relationship and is solidly entrenched in our nation's colleges and universities.

NATIONAL CENTER NEWSLETTER

A publication of the National Center issued five times during the year. Annual subscription rate: $20; single copy, $4.00; free to Center members. Back issues available. ISSN 0737-9285

Editor and Director of the Center: Joel M. Douglas
Executive Assistant to the Director: Beth Hillman
Administrative Assistant: Ruby N. Hill
Research Assistants: Faryda Krane
Stephen Bryan

Address all inquiries and contributions to the National Center for the Study of Collective Bargaining in Higher Education and the Professions, Baruch College, 17 Lexington Avenue, Box 322, New York, N.Y. 10010. Telephone: (212) 725-3390.